

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No: 15-20382

Honorable Victoria A. Roberts

v.

PAUL NICOLETTI,

Defendant.

**ORDER: (1) DEEMING MOOT THE GOVERNMENT'S
MOTION TO DISMISS OR DEFER DEFENDANT'S
MOTION TO VACATE [ECF No. 200]; AND (2) GRANTING
THE GOVERNMENT'S MOTION TO REVISE THE BRIEFING
SCHEDULE ON DEFENDANT'S MOTION TO VACATE [ECF No. 202]**

On February 1, 2021 – while his case was on direct appeal before the Sixth Circuit – Defendant Paul Nicoletti filed a motion to vacate under 28 U.S.C. § 2255. The Court ordered the government to file a response by March 19, 2021.

On March 12, 2021, the government filed a motion to dismiss or defer Nicoletti's motion to vacate. On March 18, 2021, the Sixth Circuit issued an opinion affirming Nicoletti's conviction.

On March 19, 2021, the government filed a motion to revise the briefing schedule on Nicoletti's motion to vacate.

Because the Sixth Circuit ruled on Nicoletti's direct appeal, the government's motion to dismiss or defer Nicoletti's motion to vacate is **MOOT**.

The Court **GRANTS** the government's motion to revise the briefing schedule on Nicoletti's motion to vacate. The government's response is due **May 18, 2021**. Nicoletti's reply is due **June 1, 2021**.

IT IS ORDERED.

S/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 19, 2021